

SECOND REGULAR SESSION

# HOUSE BILL NO. 1956

## 96TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVES WHITE (Sponsor), KOENIG, BERRY, BRATTIN, CURTMAN,  
BROWN (85), ELMER AND OXFORD (Co-sponsors).

6184L.02I

D. ADAM CRUMBLISS, Chief Clerk

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### AN ACT

To repeal section 99.835, RSMo, and to enact in lieu thereof two new sections relating to tax increment financing.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 99.835, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 99.826 and 99.835, to read as follows:

**99.826. No project, plan, designation, or amendments thereto shall be approved under sections 99.800 to 99.865 unless such project, plan, designation, or amendments are placed before the qualified voters of all taxing entities that would be affected by the tax increment financing proposal and the question is approved by no less than two-thirds of the voters voting thereon upon the next regularly scheduled municipal or general election.**

99.835. 1. Obligations secured by the special allocation fund set forth in sections 99.845 and 99.850 for the redevelopment area or redevelopment project may be issued by the municipality pursuant to section 99.820 or by the tax increment financing commission to provide for redevelopment costs. Such obligations, when so issued, shall be retired in the manner provided in the ordinance or resolution authorizing the issuance of such obligations by the receipts of payments in lieu of taxes as specified in section 99.855 and, subject to annual appropriation, other tax revenue as specified in section 99.845. A municipality may, in the ordinance or resolution, pledge all or any part of the funds in and to be deposited in the special allocation fund created pursuant to sections 99.845 and 99.850 to the payment of the redevelopment costs and obligations. Any pledge of funds in the special allocation fund may provide for distribution to the taxing districts of moneys not required for payment of

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

12 redevelopment costs or obligations and such excess funds shall be deemed to be surplus funds,  
13 except that any moneys allocated to the special allocation fund as provided in subsection 4 of  
14 section 99.845, and which are not required for payment of redevelopment costs and obligations,  
15 shall not be distributed to the taxing districts but shall be returned to the department of economic  
16 development for credit to the general revenue fund. In the event a municipality only pledges a  
17 portion of the funds in the special allocation fund for the payment of redevelopment costs or  
18 obligations, any such funds remaining in the special allocation fund after complying with the  
19 requirements of the pledge, including the retention of funds for the payment of future  
20 redevelopment costs, if so required, shall also be deemed surplus funds. All surplus funds shall  
21 be distributed annually to the taxing districts in the redevelopment area by being paid by the  
22 municipal treasurer to the county collector who shall immediately thereafter make distribution  
23 as provided in subdivision (12) of section 99.820.

24         2. Without limiting the provisions of subsection 1 of this section, the municipality may,  
25 in addition to obligations secured by the special allocation fund, pledge any part or any  
26 combination of net new revenues of any redevelopment project, or a mortgage on part or all of  
27 the redevelopment project to secure its obligations or other redevelopment costs.

28         3. Obligations issued pursuant to sections 99.800 to 99.865 may be issued in one or more  
29 series bearing interest at such rate or rates as the issuing body of the municipality shall determine  
30 by ordinance or resolution. Such obligations shall bear such date or dates, mature at such time  
31 or times not exceeding twenty-three years from their respective dates, when secured by the  
32 special allocation fund, be in such denomination, carry such registration privileges, be executed  
33 in such manner, be payable in such medium of payment at such place or places, contain such  
34 covenants, terms and conditions, and be subject to redemption as such ordinance or resolution  
35 shall provide. Obligations issued pursuant to sections 99.800 to 99.865 may be sold at public  
36 or private sale at such price as shall be determined by the issuing body and shall state that  
37 obligations issued pursuant to sections 99.800 to 99.865 are special obligations payable solely  
38 from the special allocation fund or other funds specifically pledged. [No referendum approval  
39 of the electors shall be required as a condition to the issuance of obligations pursuant to sections  
40 99.800 to 99.865.]

41         4. The ordinance authorizing the issuance of obligations may provide that the obligations  
42 shall contain a recital that they are issued pursuant to sections 99.800 to 99.865, which recital  
43 shall be conclusive evidence of their validity and of the regularity of their issuance.

44         5. Neither the municipality, its duly authorized commission, the commissioners or the  
45 officers of a municipality nor any person executing any obligation shall be personally liable for  
46 such obligation by reason of the issuance thereof. The obligations issued pursuant to sections  
47 99.800 to 99.865 shall not be a general obligation of the municipality, county, state of Missouri,

48 or any political subdivision thereof, nor in any event shall such obligation be payable out of any  
49 funds or properties other than those specifically pledged as security therefor. The obligations  
50 shall not constitute indebtedness within the meaning of any constitutional, statutory or charter  
51 debt limitation or restriction.

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